

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

DATE: July 12, 2010

JUDGE
LEONARD DAVIS

REPORTER: Shelly Holmes

LAW CLERK: Kat Li

NETWORK-1 SECURITY SOLUTIONS V CISCO SYSTEMS, et al	CIVIL ACTION NO: 6:08-CV-30 JURY TRIAL - DAY 1
ATTORNEYS FOR PLAINTIFFS	ATTORNEY FOR DEFENDANT
Greg Dovel (Dovel & Luner) John Eichmann (Dovel & Luner) Johnny Ward (Ward & Smith)	William Lee (Wilmerhale) Mark Selwyn (Wilmerhale) David Beck (Beck Redden & Secrest) Otis Carroll (ICK Firm) Eric Findlay (Findlay Craft) <i>For Cisco</i> David Bahler (Fulbright & Jaworski) Gilbert Greene (Fulbright) <i>For Adtran</i> Richard Vasquez (Vasquez Benisek & Lindgren) Eric Benisek (Vasquez) Bill Cornelius (Wilson Law Firm) <i>For Enterasys</i> Ken Adamo (Jones Day) Behrooz Shariati (Jones Day) <i>For Extreme</i> Henry Bunsow (Howrey Simon Arnold) John Hamann (Howrey) Sonny Cherian (Howrey) Calvin Capshaw (Capshaw & DeRieux) <i>For Foundry</i> Jeff Ostrow (Simpson Thacher Bartlett) Kerry Konrad (Simpson) Gregory Chuebon (Simpson) <i>For 3Com</i>

FILED: 7.12.2010

DAVID J. MALAND, CLERK

BY: Rosa L. Ferguson, Courtroom Deputy

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 9:00 am

ADJOURN: 5:00 pm

TIME:	MINUTES:
9:00 am	Jury not present in the courtroom.
	Court addressed the parties regarding matters taken up prior to the jury coming in.
	Mr. Beck addressed the Court and they have some issues with opening slides and deferred to Mr. Selwyn.
	Mr. Selwyn addressed the Court on slides for opening regarding date of invention.
	Mr. Dovel responded. Mr. Selwyn replied. Court overruled objection.
	Mr. Selwyn addressed the Court on reasoning for claim construction being in claim . Mr. Dovel responded. Court sustained objection sustained. Court addressed the parties
	Mr. Selwyn addressed the Court on slide on infringing products. Mr. Dovel responded. Court overruled objection.
	Mr. Selwyn addressed the Court on slide of testimony of a 3 rd party. Court overruled objection.
	Mr. Selwyn addressed the Court regarding slides for Dr. Knox. Court will not hear at this time.
	Court addressed the parties on filing issues and asked that all issues to be brought up to the Court be filed by 8:00 pm.
	Court asked for the jury to be brought in. Jury entered and seated in the courtroom.
	Court addressed the Jury and welcomed them back. Court gave the jury preliminary instructions.
9:40 am	Court in recess for 10 minutes.
9:50 am	Jury seated in the Courtroom.
	Court recognized plaintiff for purposes of opening statement.
	Mr. Dovel presented opening statement on behalf of Plaintiff, Network-1.
	Mr. Beck presented opening statement on behalf of Defendants, Cisco, Adtran, Enterasys, Extreme, Foundry & 3Com.
	Court addressed jury panel and will recess them until 12:30 p.m. Court asked parties to have all witnesses in the courtroom. Court also asked parties to have
11:20 am	Court in recess until 12:30 pm.
12:35 pm	Jury not present in the courtroom.
	Court addressed the parties on technical difficulties. IT support, Joe Voohries, entered the courtroom and Court asked Joe to come in and work on the problem.

TIME:	MINUTES:
	Mr. Adamo addressed the Court on technical difficulties.
	Court asked if parties had any matters to be brought before the jury comes in.
	Mr. Selwyn addressed the Court on Dr. Knox's slides on main power source. Mr. Dovel responded. Mr. Selwyn replied. Court overruled objection.
	Court asked jury to be brought in. Jury entered and seated in the courtroom
	Court asked parties regarding witnesses, and asked all witnesses present to stand. Witnesses, Corey Horowitz, James Knox, Robert Mills, Richard Donaldson, Robert Colwell, Julie Davis, Ray Mercer, James Parsons, Benjamin Taft, Russell Winer, Steven Carlson, Frederick Schindler, Kevin Schneider, & Dan Lang , stood, stated their names and were sworn by the clerk.
	Court inquired about the Rule. Mr. Ward invoked the Rule. The rule was explained by the Court to the Jury and witnesses. Court inquired if experts were excused. Both sides agreed to experts. Court excused the remaining witnesses from the courtroom.
	Court addressed the parties and asked them to offer their exhibits.
	Mr. Dovel offered Plaintiff's Exhibits #1-3, 15, 17, 19, 20, 21, 23, 26, 33, 34, 35, 38, 42, 46, 47, 53, 57, 59, 74, 76, 82 - 88, 89A, 89B, 90, 99, 101, 103, 107, 112, 120, 141, 144, 145, 147, 155, 157, 165, 179, 187, 195, 201, 222, 224, 226, 227, 247, 266, 277, 279, 290, 293, 300A, 302, 309, 312, 327, 330, 332, 334, 340, 343, 344 & 528 . Mr. Lee addressed the Court as to these exhibits being admitted against the specific defendant. Mr. Dovel responded that that was the case, but there were also 3 rd party exhibits. With the stipulation as to the documents being admitted as to a specific defendant, there was no objection, and these exhibits admitted. Court asked Plaintiff to compile a list of these exhibit offered as to which defendant they were being offered against and offer that list in the morning as Plaintiff's Exhibit List 1 .
	Mr. Lee has no exhibits to offer at this time.
	Court asked plaintiff to call its first witness.
	Mr. Dovel called DR. JAMES KNOX to the witness stand. Witness previously sworn.
	Direct examination of Dr. Knox by Mr. Dovel. Mr. Dovel offered Plaintiff's Exhibits #576 and 577 , and with objection being overruled, exhibits admitted. Mr. Dovel offered Plaintiff's Exhibit #576 , and without objection, exhibit admitted. Mr. Dovel offered Plaintiff's Exhibit #579 , and without objection, exhibit admitted. Mr. Dovel offered Plaintiff's Exhibit #578 , and without objection, exhibit admitted. Plaintiff's Exhibit #583 , and without objection, exhibit admitted.
2:25 pm	Court in recess until 2:40 pm.
2:45 pm	Jury entered and seated in the courtroom.
	Direct examination of Dr. Knox by Mr. Dovel continued. Mr. Dovel offered Plaintiff's Exhibit #581 , and without objection, exhibit admitted.
	Mr. Dovel passed the witness. Cross examination of Dr. Knox by Mr. Lee.

TIME:	MINUTES:
4:55 am	Court inquired of Mr. Lee if this would be a good time to stop. Mr. Lee responded.
	Court addressed the jury and will excuse them for the evening.
	Court advised the parties of the time used. Plaintiff has used 3 hours and 25 minutes and Defendant has used 45 minutes.
	Mr. Adamo addressed the Court on the slides used not matching up. Mr. Vasquez addressed the Court on the RAND issue and asked that it be taken up on Thursday. Mr. Vasquez has witness, Charles Donohoe, coming from Washington DC and will take about half of the 30 minutes. Court will take that up on Thursday.
5:00 pm	There being nothing further, Court adjourned.